

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHAEL MUEHL and  
DANIEL R. McBRIDE,

Petitioners,

v.

BETH LIND, MR. MUENCHOW,  
SANDRA HAUTAMAKI, MIKE  
THURMER, OFFICER MUELLER,  
OFFICER KROLL, OFFICER EAGER,  
OFFICER BEAM and SERGANT  
LENTZ,

Respondents.  
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ORDER

08-cv-539-bbc

This is a proposed civil action brought pursuant to 42 U.S.C. § 1983. Petitioners Michael Muehl and Daniel McBride are prisoners seeking to proceed in forma pauperis under 28 U.S.C. § 2815. In a previous order, I directed petitioner McBride to make an initial partial payment of \$.99, which the court has received; I concluded that petitioner Muehl had no means to make an initial partial payment.

Although petitioners are financially eligible to proceed in forma pauperis, I cannot yet screen the complaint under 28 U.S.C. § 1915 because the complaint is nearly illegible in its

current form. It appears to have been hand written by petitioner McBride in a style that makes a guessing game out of reading each allegation. Petitioners must resubmit the complaint in legible form. Okoro v. Bohman, 164 F.3d 1059, 1063 (7th Cir. 1999) (incomprehensible complaint cannot state claim upon which relief may be granted). If petitioner McBride does not believe he is able to hand write his complaint more clearly, he should type the new complaint or allow the complaint to be drafted by petitioner Muehl, whose handwriting is much easier to read. Because petitioners filed many original documents with their complaint, I am returning these to petitioner McBride. (The court will retain an electronic copy of these documents.) Petitioners need not refile these attachments with their new complaint.

Petitioners are reminded that *both* of them must sign the complaint and every other document they file jointly. If one petitioner does sign the complaint, he will be dismissed from the lawsuit.

#### ORDER

IT IS ORDERED that the complaint in this case is DISMISSED because it is illegible. Petitioners may have until October 17, 2008, to file a legible complaint signed by both petitioners. If petitioners fail to respond by that date, I will dismiss the case for failure to

prosecute.

Entered this 2<sup>nd</sup> day of October, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge